REMARKS

Claims 1-6, 8-12, 14, 16-22, 24-30, 32-36 and 38 have been amended. Claims 1-39 are pending in the application. Applicants respectfully request reconsideration of the application, as amended.

New Power of Attorney

As a courtesy, the attention of the Examiner is respectfully directed to the fact that a new Power of Attorney has been filed. In particular, the pending Office Action was mailed on December 27, 2004. A few days later, on about January 12, 2005, Applicants filed a new Power of Attorney. The new Power reflects the fact that responsibility for this application has been transferred from the law firm of George O. Saile & Associates to the law firm of Haynes and Boone L.L.P. It is assumed that, by now, the new Power of Attorney has been properly entered into the PTO's records for this application, including entry of the new correspondence address into the PTO computer. Applicants respectfully request that the Examiner take a moment and verify that the Power and the new correspondence address have in fact been entered, so that the next communication will be mailed to the new correspondence address and not the obsolete correspondence address.

Second Paragraph of 35 U.S.C. §112

The Office Action rejected Claims 1-39 under the second paragraph of 35 U.S.C. §112 as indefinite, enumerating several problems within these claims and suggesting appropriate corrections for most of these problems. The foregoing claim amendments address each of the problems identified by the Examiner, including adoption of each of the specific corrections proposed by the Examiner. In addition, the claim amendments implement a few additional corrections that further improve the form of the claims. All of the changes made by the claim

PAGE 17/27 * RCVD AT 2/21/2005 11:52:18 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:Haynes and Boone,LLP * DURATION (mm-ss):06-38

amendments are intended to bring the claims into closer conformity with the second paragraph of §112. None of the claim amendments are intended to alter the intended scope of any claim.

Independent Claim 1 and Fromherz

Independent Claim 1 stands rejected under 35 U.S.C. §102 as anticipated by Fromherz U.S. Published Application No. 2004/0225394. This ground of rejection is respectfully traversed, for the following reasons.

FROMHERZ DOES NOT PROVIDE AN ENABLING DISCLOSURE

Applicants' Claim 1 includes limitations reciting that:

> if said current product lot has a high priority, determining if a previous product lot remains in a selected unit of said processing equipment,
>
> if said previous product lot remains in the selected unit of processing equipment, determining if said previous product lot ~~is~~ has a normal priority;
>
> if said previous product lot has a normal priority, removing said previous product lot from said selected unit of processing equipment,
>
> processing the current product lot with the high priority; and
>
> upon completion of processing said current product lot with high priority, continuing processing the previous product lot.

The PTO specifies in MPEP §2121.01 that it is not sufficient for an assertedly anticipating reference to merely mention the claimed subject matter, because it is a requirement

under §102 that the reference must provide an "enabling" disclosure of that subject matter. Here, Fromherz includes vague and passing mention (for example in paragraph 13) of the idea of interrupting a partially completed job within a system controller, and then later restarting that job. However, with reference to the drawings and the text describing them, it does not appear that Fromherz's preferred embodiment includes this capability, and Fromherz never provides any detailed description of how to interrupt and restart a job within a system controller. More specifically, Fromherz mentions in paragraph 13 that some jobs can be interrupted and restarted correctly, and that others cannot, but Fromherz fails to provide any detail about how an automated system would decide which jobs can be interrupted and restarted and which cannot. Moreover, as to those jobs that can be successfully interrupted and restarted, Fromherz fails to provide any detail about the specific sequence of steps that an automated system would need to go through in order to actually interrupt and then later restart a job without any error. It is one thing to propose a concept, but it is another to actually provide an enabling disclosure of one particular way to actually build a device embodying that concept. Fromherz fails to provide an enabling disclosure of even one way to distinguish jobs that can be interrupted from jobs than cannot, and to then interrupt and restart selected jobs without error. Consequently, Fromherz does not meet the requirements needed to anticipate Applicant's Claim 1 under §102.

FROMHERZ DOES NOT DISCLOSE EACH AND EVERY RECITED ELEMENT

The PTO specifies in MPEP §2131 that, in order for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim. As discussed earlier, Fromherz contains a vague and passing mention of interrupting and restarting a job, but Fromherz does not disclose any step-by-step procedure for effecting this, much less the specific step-by-step procedure that is expressly recited in the above-quoted limitations from Applicants' Claim 1. Fromherz therefore does not disclose each and every element recited in Applicants' Claim 1, and thus does not anticipate Claim 1 under §102.

For each of the various different reasons discussed above, it is respectfully submitted that

Fromherz does not anticipate Claim 1 under §102. Claim 1 is therefore believed to be allowable over Fromherz, and notice to that effect is respectfully requested.

Independent Claim 1 and Kashiyama

Independent Claim 1 stands rejected under 35 U.S.C. §102 as anticipated by Kashiyama U.S. Patent No. 6,400,999. This ground of rejection is respectfully traversed, for the following reasons.

KASHIYAMA DOES NOT PROVIDE AN ENABLING DISCLOSURE

As noted earlier, the PTO specifies in MPEP §2121.01 that it is not sufficient for an assertedly anticipating reference to merely mention the claimed subject matter, because it is a requirement under §102 that the reference must provide an "enabling" disclosure of that subject matter. Here, the Office Action refers to Figures 14-15 of Kashiyama and the associated text, and then asserts that this portion of Kashiyama discloses "staging" of interrupted lots, by storing relevant data pertaining to the processed lot, in order to allow for resumption of lot processing. However, and contrary to the assertions in the Office Action, words such as "staging", "interrupted" and "resumption" do not appear anywhere in Kashiyama, much less in the indicated portion thereof. In fact, Figures 14-15 and the associated text do not appear to disclose anything that even remotely resembles interruption and resumption of a production lot. In contrast, and as noted earlier, Claim 1 includes limitations reciting that:

> if said current product lot has a high priority, determining if a previous product lot remains in a selected unit of said processing equipment,
>
> if said previous product lot remains in the selected unit of processing equipment, determining if said previous product lot ~~is~~ has a normal priority;

PAGE 20/27 * RCVD AT 2/21/2005 11:52:18 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:Haynes and Boone,LLP * DURATION (mm-ss):06-38

if said previous product lot has a normal priority, removing said previous product lot from said selected unit of processing equipment,

processing the current product lot with the high priority; and

upon completion of processing said current product lot with high priority, continuing processing the previous product lot.

Kashiyama does not appear to even mention interrupting and restarting a production lot, much less provide an enabling disclosure thereof, still less a disclosure of precisely the same specific sequence of steps that is recited in Applicants' Claim 1. In the absence of an enabling disclosure in Kashiyama of what is recited in Applicants' Claim 1, it is respectfully submitted that Kashiyama does meet the requirements needed to anticipate Applicant's Claim 1 under §102.

KASHIYAMA DOES NOT DISCLOSE EACH AND EVERY RECITED ELEMENT

The PTO specifies in MPEP §2131 that, in order for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim. As discussed above, Kashiyama does not appear to contain any disclosure at all regarding interrupting and restarting a job, much less any step-by-step procedure for effecting this, still less the specific step-by-step procedure that is expressly recited in Applicants' Claim 1. Kashiyama thus does not disclose each and every element recited in Applicants' Claim 1, and therefore does not anticipate Claim 1 under §102.

For each of the various different reasons discussed above, it is respectfully submitted that Kashiyama does not anticipate Claim 1 under §102. Claim 1 is therefore believed to be clearly allowable over Kashiyama, and notice to that effect is respectfully requested.

Independent Claims 8, 16, 24 and 32

Independent Claims 8, 16, 24 and 32 each stand rejected under 35 U.S.C. §102 as anticipated by Fromherz. In addition, Claims 8, 16, 24 and 32 each stand rejected under §102 as anticipated by Kashiyama. These rejections are each respectfully traversed. The rationale given for each of these rejections is exactly the same rationale given for the corresponding rejection of Claim 1. Further, Claims 8, 16, 24 and 32 each include limitations similar to the above-quoted limitations from Claim 1. More specifically, Claim 8 includes limitations reciting that:

> if said current product lot has a high priority, determining if a previous product lot remains in a selected unit of said processing equipment,
>
> if said previous product lot remains in the selected unit of processing equipment, determining if said previous product lot ~~is~~ has a normal priority;
>
> if said previous product lot has a normal priority, removing said previous product lot from said selected unit of processing equipment,
>
> processing the current product lot with the high priority; and
>
> upon completion of processing said current product lot with high priority, continuing processing the previous product lot.

Claim 16 includes limitations reciting that:

> means for determining if a previous product lot remains in a selected unit of said processing equipment, if said current product lot has a high priority,

means for determining if said previous product lot ~~is~~ has a normal priority, if said previous product lot remains in the selected unit of processing equipment;

means for removing said previous product lot from said selected unit of processing equipment, if said previous product lot has a normal priority,

processing the current product lot with the high priority; and

means for continuing processing the previous product lot, upon completion of processing said current product lot with high priority.

Claim 24 includes limitations reciting that:

if said current product lot has a high priority, determining if a previous product lot remains in a selected unit of said processing equipment,

if said previous product lot remains in the selected unit of processing equipment, determining if said previous product lot is has a normal priority;

if said previous product lot has a normal priority, removing said previous product lot from said selected unit of processing equipment,

processing the current product lot with the high priority; and

upon completion of processing said current product lot with high priority, continuing processing the previous product lot.

Claim 32 includes limitations reciting that:

> if said current product lot has a high priority, determining if a previous product lot remains in a selected unit of said processing equipment,
>
> if said previous product lot remains in the selected unit of processing equipment, determining if said previous product lot is has a normal priority;
>
> if said previous product lot has a normal priority, removing said previous product lot from said selected unit of processing equipment,
>
> processing the current product lot with the high priority; and
>
> upon completion of processing said current product lot with high priority, continuing processing the previous product lot.

Accordingly, for the same basic reasons discussed above in association with Claim 1, it is respectfully submitted that Claims 8, 16, 24 and 32 are not anticipated under §102 by Fromherz or by Kashiyama, and notice to that effect is respectfully requested.

Dependent Claim 7

Dependent Claim 7 stands rejected under 35 U.S.C. §102 as anticipated by either Fromherz or Kashiyama. These grounds of rejection are both respectfully traversed, for the following reason. As noted above, MPEP §2131 specifies that, in order for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim. Claim 7 recites that:

PAGE 24/27 * RCVD AT 2/21/2005 11:52:18 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:Haynes and Boone,LLP * DURATION (mm-ss):06-38

> . . . said product lots are integrated circuit substrates and said units of said processing equipment are integrated circuit fabrication equipment.

Neither Fromherz nor Kashiyama discloses any "integrated circuit fabrication equipment" or any "integrated circuit substrates". Therefore, since Fromherz and Kashiyama each clearly fail to disclose each and every element recited in Claim 7, Claim 7 is not anticipated under §102 by either Fromherz or Kashiyama. Claim 7 is thus believed to be allowable, and notice to that effect is respectfully requested.

Dependent Claims 15, 23, 31 and 39

Dependent Claims 15, 23, 31 and 39 each stand rejected under 35 U.S.C. §102 as anticipated by either Fromherz or Kashiyama. These grounds of rejection are all respectfully traversed, for the following reason. These claims each include limitations similar to the above-quoted limitations from Claim 7. In particular, Claims 15, 23, 31 and 39 each include limitations reciting that:

> . . . said product lots are integrated circuit substrates and said units of said processing equipment are integrated circuit fabrication equipment.

As noted above, MPEP §2131 specifies that, in order for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim. As also noted above, neither Fromherz nor Kashiyama discloses any "integrated circuit fabrication equipment" or any "integrated circuit substrates". Therefore, since Fromherz and Kashiyama each clearly fail to disclose each and every element recited in Claims 15, 23, 31 and 39, these claims are not

anticipated under §102 by either Fromherz or Kashiyama. Claims 15, 23, 31 and 39 are thus believed to be allowable, and notice to that effect is respectfully requested.

Dependent Claims

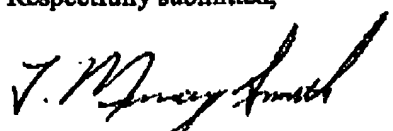
Claims 2-6, Claims 9-14, Claims 17-22, Claims 25-30, and Claims 33-38 respectively depend from Claim 1, Claim 8, Claim 16, Claim 24 and Claim 32, and are also believed to be distinct from the art of record, for example for the same reasons discussed above with respect to Claims 1, 8, 16, 24 and 32.

Conclusion

Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and favorable reconsideration of this application is therefore respectfully requested. If the Examiner believes that examination of the present application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at 972-739-8647.

Although Applicants believe that no fee is due in association with the filing of this Response, the Commissioner is hereby authorized to charge any additional fee required by this paper, or to credit any overpayment, to Deposit Account No. 08-1394 of Haynes and Boone LLP.

Respectfully submitted,



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Enclosures: None

R-96689.1

PAGE 27/27 * RCVD AT 2/21/2005 11:52:18 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:Haynes and Boone,LLP * DURATION (mm-ss):06-38